

**REMARKS**

Favorable reconsideration and allowance of this application are requested.

As a procedural note, the present amendment is being filed concurrently with a formal Request for Continued Examination (RCE) under 37 CFR §1.114. Accordingly withdrawal of the "finality" of the July 16, 2008 Official Action is in order so as to allow entry and consideration of the amendments and remarks presented herewith.

**1. Discussion of Amendments**

Independent claims 1 and 7 have been amended so as to emphasize that the polyamide oligomer is present in an amount of 1-20 wt.%. Support for such an amendment can be found in the original application at page 8, lines 4-5.

Following entry of this amendment, further revised versions of claims 1-8 will remain pending in this application.

**2. Response to 35 USC §103(a) Rejections**

The only issue remaining to be resolved in this application is the Examiner's rejection of claims 1-8 under 35 USC §103(a) as allegedly being "obvious" and hence unpatentable over Gilmer et al (US 2002/01933494) in view of the secondary references already of record (i.e., Nakahashi et al, Sakai et al, Martens et al '865, Kasowski et al, Costick et al, Oka et al or Martens et al '802). Applicants respectfully suggest that none of the applied references is appropriate against the presently pending claims.

Gilmer et al. relates to a process for producing a nanocomposite using an oligomer resin precursor. The object of Gilmer et al is directed at a process for the processing of clay particles and polymers, such as polyesters and polyamides, to process a nanocomposite having a high inherent viscosity, improved barrier properties and good thermal stability (paragraph 0018 in Gilmer et al). This is achieved through

preparation of layered clay based polymeric nanocomposite, in which layered clay platelets are dispersed in an oligomeric polyamide resin. A high molecular weight polyamide is added to increase the composite molecular weight of the nanocomposite to the desired level (paragraphs 50 to 52, Gilmer et al.).

In essence, the Examiner asserts that the polyamide oligomer in Gilmer et al is present as an oligomer/clay mixture containing approximately 85 wt% oligomer, 100 grams of the mixture then being blended with 300 grams of polyamide polymer. Thus, the Examiner concludes that the oligomer is present in the blend in an amount of about 22 wt.%. By way of the amendment instructions above, the oligomer content of the present invention is at most 20 wt.%. Therefore, even assuming the Examiner's position with respect to the oligomer content present in Gilmer et al, the presently amended claims define a clear line of patentable demarcation thereover.

The secondary references of Nakahashi et al, Sakai et al, Martens et al '865, Kasowski et al, Costick et al, Oka et al or Martens et al '802 are apparently being applied merely for their teaching of flame retardants which are conventionally employed with polyamides.. Thus, even if an ordinarily skilled person were to combine such secondary references with Gilmer et al, the presently claimed invention would not result.

Withdrawal of the 35 USC §103(a) rejection is therefore in order.

OTTENHEIJM  
Serial No. 10/537,991  
October 10, 2008

**3. Fee Authorization**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_ /Bryan H. Davidson/  
Bryan H. Davidson  
Reg. No. 30,251

BHD:dlb  
901 North Glebe Road, 11<sup>th</sup> Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100